

EXHIBIT 8
2/15/07
534

HB 534 TESTIMONY

2/15/07

Madam Chairperson, Members of the Committee, Good Morning. Thank you for the opportunity to present my testimony. For the Record, my name is Jill Z. Smith. I have been a Voluntary Lobbyist for ABATE of Montana since 1989. ABATE is American Bikers Aiming Toward Education, and what we are is a non-profit organization dedicated to the promotion of motorcycle safety.

In 1989 we came before the Legislature and asked that a motorcycle safety training program be put into place, funded entirely by Montana motorcyclists. The Montana Motorcycle Safety and Education Program has been training hundreds of motorcyclists a year ever since. We believe that Education, not Legislation is the key to safer motorcycling in Montana.

The real issue here is one of Freedom of Choice. We already have a mandatory helmet law in place for riders who are 18 and under, and we like that law, as these persons are not adults, and therefore do not have the right to choose. I, as an adult American Citizen, have the right to choose whether or not to wear a helmet, and this is as it should be. Everything in life involves risk, be it a first job, a first kiss, or just walking down the street on any given day.

Helmets are not the cure; in fact most helmets will not withstand an impact of over 22 mph, and the full-face ones with the chin bar can sever your spinal cord. A helmet often provides the rider with nothing more than a false sense of security. 73% of ALL motorcycle accidents occur when a motorist makes a left-hand turn in front of a motorcyclist. We need to educate motorists to be looking for us.

Let us consider HB 534 Language. This bill does not even define what a helmet is, so that issue would end up being decided by judges statewide. The State of Montana will have to do the testing-very expensive. I could take this wonderful antique bedpan, turn it upside down and call it a helmet. Silly? Maybe. The judges will have to decide.

The fiscal note that is attached to HB 534 is an affront to every type of motorcyclist in Montana. The MHP says they are going to write 2,520 tickets annually to un-helmeted riders who are breaking the law @ \$50 a pop. I know no motorcyclist who is a big enough moron to go out and flagrantly break the law. Our riding season is 6 months (if we are lucky). That means the MHP is going to have to locate 420 idiots per month; and who will write tickets to the Farmers, Ranchers, and Hunters? I see no expenditure listed for increasing the number of Peace Officers in Montana; those who will have to comb the boonies and forests to find all these law-breakers.

In closing, please let me say I know that Valentine's Day is over, but please all be Sweethearts, and vote NO on HB 534. Thank you very much.

Respectfully,
Jill Z. Smith